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April 9, 2021

Via ECF

The Honorable John G. Koeltl
United States District Judge
U.S. District Court for the Southern District of New York
500 Pearl Street, Courtroom 14A
New York, NY 10007

Re: In re Application of Shervin Pishevar, 1:19-mc-00503-JGK-SDA

Dear Judge Koeltl:

We are counsel to the Petitioner Shervin Pishevar in the above-captioned matter. We write, on behalf of both the Petitioner and the Respondent Marcus Baram, in response to Your Honor's request that the parties provide a status update by April 9, 2021. *See* ECF 106.

After requesting an adjournment of the oral argument scheduled in the above-captioned matter on February 9, 2021, the Petitioner conferred with Sam Anson, a private investigator based in Los Angeles who purportedly has information that may help identify Mr. Baram's Confidential Source (the "Identifying Information"), and subsequently with Mr. Anson's counsel. After Mr. Anson represented that he cannot share the Identifying Information absent a court subpoena, on February 23, 2021, the Petitioner filed a Section 1782 proceeding in the U.S. District Court for the Central District of California seeking an order to obtain limited discovery from Mr. Anson. *See In re Application of Shervin Pishevar for an Order to Take Discovery for Use in Foreign Proceedings Pursuant to 28 U.S.C. § 1782*, Case No. 2:21-mc-00175-JAK-KS (the "C.D. Cal. Action"), Dkt. 1-9 (C.D. Cal. February 23, 2021).

Pursuant to the Local Rules of the Central District of California, on February 23, 2021, Petitioner filed a request to proceed *ex parte* with regard to the C.D. Cal. Action. *See* C.D. Cal. Action, Dkt. 5. The Respondent in that action, Mr. Anson, consented to Petitioner's request to proceed *ex parte*. *See id.*; *see also* C.D. Cal. Action, Dkt. 2, ¶ 17 & Dkt. 2-13.

On February 25, 2021, the C.D. Cal. Action was assigned to District Judge John A. Kronstadt and Magistrate Judge Maria A. Audero. *See* C.D. Cal. Action, Dkt. 12. On March 4, 2021, upon Magistrate Judge Audero's recusal, the action was reassigned to Magistrate Judge Karen L. Stevenson. *See* C.D. Cal. Action, Dkt. 17.

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Thereafter, on March 8, 2021, Magistrate Judge Stevenson granted the Petitioner's request to proceed *ex parte*, and stated that "Petitioner's Application for an Order to Conduct Discovery pursuant to § 1782 ... is taken under submission and an Order will issue." C.D. Cal. Action, Dkt. 19.

The Petitioner is currently awaiting Magistrate Judge Stevenson's order on Petitioner's Section 1782 application in the C.D. Cal. Action.

With the consent of the Respondent, the Petitioner is concurrently filing a letter motion to respectfully request an adjournment of the April 22, 2021 hearing until Petitioner's investigation into this new development is complete.

We thank Your Honor for your assistance in this matter.

Respectfully,

/s/ Lucas V. M. Bento

Lucas V. M. Bento

Cc: Megan H. Daneshrad, Esq. (Counsel for Respondent) (via ECF)
Toby Butterfield, Esq. (Counsel for Respondent) (via ECF)
Zaid Shukri, Esq. (Counsel for Respondent) (via ECF)